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gp 2834
PATENT
03-DV-7115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hollenbeck et al.

Serial No.: 09/974,522

Filed: October 9, 2001

For: METHODS AND APPARATUS
FOR FORMING AN ELECTRIC
MOTOR HAVING STACKED
LAMINATIONS

Art Unit: 2834

Examiner: Dang D. Le

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- Amendment in Response to Office Action dated December 18, 2002 (3 pgs.)
- Certificate of Mailing via Express Mail (1 pg.)
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Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL

1. Transmitted herewith is:
Amendment in Response to Office Action dated December 18, 2002; Certificate of
Mailing by Express Mail

STATUS

2. Applicant
☐ claims small entity status.
☒ is other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.10)

I hereby certify that this correspondence is, on the date shown below, being:

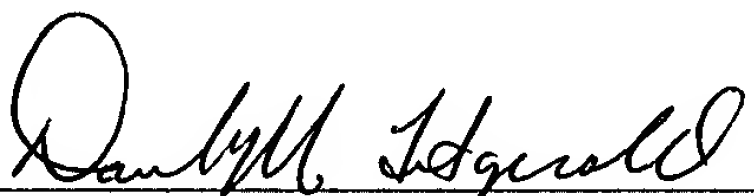
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Daniel M. Fitzgerald
Reg. No. 38,880

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 110.00	\$ 55.00
_____ second month	\$ 410.00	\$ 205.00
_____ third month	\$ 930.00	\$ 465.00
_____ fourth month	\$1,450.00	\$ 725.00
_____ fifth month	\$1,970.00	\$ 985.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid
therefor \$ _____ is deducted from the total fee due for the total months
of extension now requested.

Extension fee due with this request \$ _____.

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this
conditional petition is being made to provide for the possibility that
applicant has inadvertently overlooked the need for a petition for extension
of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	ADDITIONAL RATE FEE	OR	ADDITIONAL RATE FEE
TOTAL		MINUS		=	x \$9 = \$		x \$18 = \$
INDEP.		MINUS		=	x \$42 = \$		x \$84 = \$
____ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$130 = \$		+ \$280 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

(a) ☒ No additional fee for Claims is required

OR

(b) _____ Total additional fee for claims required \$

FEE PAYMENT

5. _____ Attached is a check in the sum of \$_____
- _____ Charge Deposit Account No. 01-2384 the sum of \$_____.
- A duplicate of this transmittal is attached.

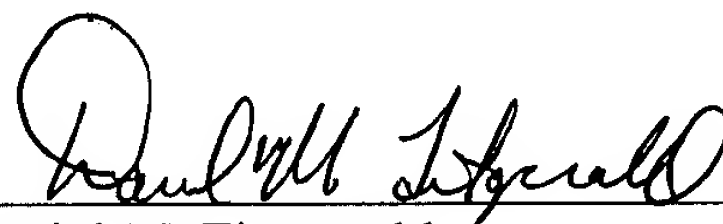
FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.

7. _____ Other:



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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

The Office Action mailed December 18, 2002 has been carefully reviewed and the following remarks have been made in consequence thereof.

Applicants and the undersigned wish to express their appreciation to the Examiner for the courtesies he extended during a telephone interview that occurred on January 13, 2003. During the interview, the Office Action dated December 18, 2002 was discussed. More specifically, the restriction requirement, which designated the claims in Group I as Claims 1 and 9-16 (drawn to the apparatus of a motor directed to a stator structure) and the claims in Group II as Claims 2-8 and 17-25 (drawn to the apparatus of a motor directed to a permanent magnet rotor), was discussed. Applicants respectfully submitted during the interview that Claims 2-8 and 17-19 depend from independent Claim 1, and therefore, cannot be distinct from Claim 1. Thus, Claim 1 cannot be in Group I while Claims 2-8 and 17-19 are in Group II. The Examiner indicated

during the interview that Groups I and II should be combined, and therefore include Claims 1, 2-8, 9-16, and 17-25.

Claims 1-33 are pending in this application. Claims 1-33 are subject to a restriction requirement.

In response to the restriction requirement set forth in the Office Action, Applicants, with traverse, elect for prosecution in this application all claims of combined Groups I and II, Claims 1, 2-8, 9-16, and 17-25.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I-IV are clearly related. Applicants submit that a thorough search and examination of either claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. Indeed, at least the claims of Group I and the claims of Group II are encompassed by a single class (Class 310) and it is not evident how the searching of a single class could present an unreasonable burden on the Examiner. Because at least some of the claim groups are encompassed by a single class, the assertion that the claim groups have acquired a separate status in the art because of their recognized divergent subject matter is respectfully traversed and submitted to be unsupportable on the present record. Therefore, to the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

The Office Action also suggests that the apparatus claims of Group I, II and IV, and the method claims of Group III are distinct because the steps recited in the method claims of Group III "can be practiced by hand." Applicants respectfully submit that the method claims of Group III cannot be performed by hand. Furthermore, as required by the MPEP, the Examiner has failed to provide any reasonable examples as to how the method claims of Group III can be

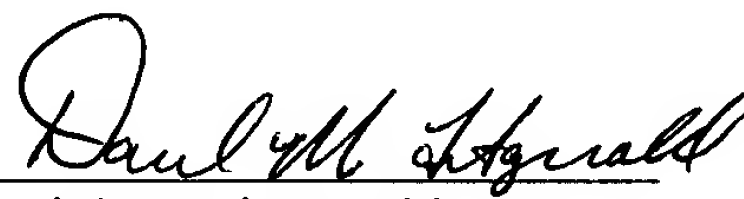
performed by hand. (See MPEP § 806.05(e).) Accordingly, Applicants respectfully submit that the restriction requirement is improper and should be withdrawn.

Moreover, even assuming, arguendo, that the method claims of Group III can be performed by hand, Applicants respectfully submit that the inventions set out by the claims in Groups I, II and IV, and Group III are not distinct because they include a stator and a rotor claimed in a similar fashion. Accordingly, Applicants respectfully submit that the restriction requirement is improper and should be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the restriction requirement be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action with respect to all the pending claims is respectfully solicited.

Respectfully Submitted,



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